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BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY,)	NOTICE OF VIOLATION AND
OF THE STATE OF OREGON,)	INTENT TO ASSESS CIVIL PENALTY
)	No. HW-NWR-85-117
Department,)	MULTNOMAH COUNTY
v.)	
)	
UNIVAR CORPORATION,)	
a Delaware corporation,)	
DBA/VAN WATERS & ROGERS,)	
)	
Respondent.)	

I

This notice is being sent to Respondent, Univar Corporation, a Delaware corporation, doing business as Van Waters & Rogers, pursuant to Oregon Revised Statutes (ORS) 468.125(1), ORS Chapter 459, and Oregon Administrative Rules (OAR) Section 340-12-040(1) and (2).

II

Respondent operates a hazardous waste management facility located at 3950 N.W. Yeon Avenue, Portland, Oregon. Respondent is registered with the Department under EPA Identification No. ORD 009227378.

III

On June 4, 1981, the Department issued Treatment Site License and Collection (Storage) Site License No. HWTF-5 (License) to Respondent. The License authorized Respondent to establish, operate, and maintain facilities for collecting, storing and treating hazardous waste in conformance with the conditions of the License and applicable rules. The License expires on January 30, 1986. At all material times cited herein, the License was and is now in effect.

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IV

On May 13, 1985, the Department conducted a hazardous waste compliance inspection at Respondent's facility and found that Respondent violated conditions of the License and the Department's rules, as follows:

A. Respondent violated General Condition A6 of the License by not maintaining at the site the following plans and procedures adequate to demonstrate compliance with 40 CFR Part 265 of the Resource Conservation and Recovery Act (RCRA). Specifically:

1. Respondent's waste analysis plan did not meet the requirements of 40 CFR 265.13 in that the plan did not specify:

a. The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters. 40 CFR 265.13(b)(1).

b. The test methods which will be used to test for the parameters. 40 CFR 265.13(b)(2).

c. The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date. 40 CFR 265.13(b)(4).

d. The procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. 40 CFR 265.13(c).

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1 2. Respondent's inspection schedule plan and log did not meet the
2 requirements of 40 CFR 265.15 in that:

3 a. The plan did not include a schedule for inspecting all monitoring
4 equipment, safety and emergency equipment, security devices, and operating
5 and structural equipment that are important to preventing, detecting, or
6 responding to environmental or human health hazards. 40 CFR 265.15(b)(1).

7 b. The schedule did not identify the types of problems which are to
8 be looked for during the inspection. 40 CFR 265.15(b)(3).

9 c. The schedule did not include, at a minimum, the items and
10 frequencies called for in Sections 265.174 and 265.194. 40 CFR 265.15(b)(4).

11 d. Respondent did not record inspections in an inspection log or
12 summary which at a minimum includes the date and time of inspection, the
13 name of the inspector, a notation of the observations made, and the date
14 and nature of any repairs or other remedial action. 40 CFR 265.15(d).

15 3. Respondent's contingency plan and emergency procedures did not
16 meet the requirements of 40 CFR 265 Subpart D in that:

17 a. The plan did not describe the actions facility personnel must
18 take to comply with Sections 265.51 and 265.56 in response to any unplanned
19 sudden or non-sudden release of hazardous waste constituents to air, soil
20 or surface water. 40 CFR 265.52(a).

21 b. The plan did not describe arrangements agreed to by local police
22 departments, fire departments, hospitals, contractors, and state and local
23 emergency response teams to coordinate emergency services, pursuant to
24 Section 265.37. 40 CFR 265.52(c).

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1 c. The plan did not include a list of all emergency equipment
2 including the location and physical description of each item and a brief
3 outline of its capabilities. 40 CFR 265.52(e).

4 d. The plan did not include an evacuation plan for facility
5 personnel describing evacuation and alternate routes. 40 CFR 265.52(f).

6 4. Respondent's personnel training procedures and log do not meet
7 the requirements of 40 CFR 265.16 in that they did not include:

8 a. Procedures for using, inspecting, repairing, and replacing
9 facility emergency and monitoring equipment. 40 CFR 265.16(a)(3)(i).

10 b. Key parameters for automatic waste feed cut-off systems.
11 40 CFR 265.16(a)(3)(ii).

12 c. Response to ground water contamination incidents.
13 40 CFR 265.16(a)(3)(v).

14 d. Documentation that facility personnel have taken part in an
15 annual review of the initial training required in Paragraph (a) of Section
16 265.16. 40 CFR 265.16(c).

17 e. The documents and records required to be maintained at the
18 facility:

19 (1) The job title for each position at the facility related to
20 hazardous waste management, and the name of the employee filling each job.
21 40 CFR 265.16 (d)(1).

22 (2) A written position description for each position listed under
23 Paragraph (d)(1) of Section 265.16. 40 CFR 265.16(d)(2).

24 (3) A written description of the type and amount of both introductory
25 and continuing training that will be given to each person filling a
26 position listed under paragraph (d)(1) of Section 265.16. 40 CFR 265.16(d)(3).

1 (4) Records that document that the training or job experience
2 required under paragraphs (a)(b) and (c) of Section 265.16 has been given
3 to, and completed by, facility personnel. 40 CFR 265.16(d)(4).

4 5. Respondent's closure plan does not adequately meet the
5 requirements of 40 CFR 265.112 as the plan underestimates the maximum
6 inventory of waste in storage and in treatment at any time during the life
7 of the facility. Respondent's plan states that 165 drums would be disposed
8 of and 1,300 drums would be distilled and the products sold or returned
9 back to customers. The plan represents a "best case" rather than a "worse"
10 case closure. The plan does not address events that could happen to
11 prevent the waste from being recycled and returned back to the customers.
12 The plan does not provide documentation to support the estimates of how
13 much waste would likely be recycled and returned.

14 B. Respondent violated OAR 340-104-035 (40 CFR 265.35 is now applicable)
15 by not maintaining aisle space in the containerized hazardous waste storage area
16 to allow the unobstructed movement of personnel, fire protection equipment,
17 spill control equipment, and decontamination equipment in any emergency.

18 C. The Department observed several leaking drums in the
19 containerized hazardous waste storage area. Respondent violated OAR
20 340-104-171 (40 CFR 265.171 is now applicable) in that Respondent did not
21 transfer hazardous waste from leaking containers to containers in good
22 condition.

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1 D. In or before May, 1985, Respondent did not transfer to an EPA or
2 state authorized disposal site any untreatable waste residue within 15 days
3 of accumulation of one hundred five (105) 55-gallon barrels of ignitable,
4 corrosive, or toxic wastes on-site, in violation of Condition B17 of the
5 License.

6 E. The Department observed six containers located near the still
7 which contained still bottoms. Respondent told Department that these
8 wastes were being managed as waste generated by Respondent. On one of
9 these six containers, Respondent did not:

10 1. Mark the date on that container upon which the period of
11 accumulation began, in violation of OAR 340-102-034(1)(c) (40 CFR 262.34(a)(2)
12 is now applicable).

13 2. Label or mark that container with the words "Hazardous Waste," in
14 violation of OAR 340-102-034(1)(d) (40 CFR 262.34(a)(3) is now applicable).

15 F. The Department reviewed a sample of manifests that Respondent prepared
16 pursuant to OAR 340-104-71(3) (40 CFR 265.71(c) is now applicable). Respondent
17 violated OAR 340-102-020(1) (now OAR 340-102-060) by failing to prepare the
18 manifests listed below according to the instructions given in Appendix I to OAR,
19 Chapter 340, Division 102 (now CFR 262 Appendix):

20 1. Manifest Document No. 5985.

21 a. Item 11. Proper hazardous class is flammable liquid, not
22 flammable as described.

23 b. Item 13. The total quantity of waste described in line "a" had not
24 been entered.

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1 2. Manifest Document No. 00389.

2 a. Item 13. The total quantity of waste described in line "a" had not
3 been entered.

4 b. Item 14. The appropriate abbreviation for the unit of measure had not
5 been entered.

6 3. Manifest Document No. 83347622.

7 a. The manifest document number was not a five digit number.

8 b. The generator identification number was incorrect.

9 c. The proper shipping name was incomplete, abbreviations were used
10 and the reportable quantity was not included.

11 4. Manifest Document No. 110784.

12 a. The manifest document number was not a five digit number.

13 b. Item 11(a). The waste shipping name was listed as hazardous waste
14 liquid NOS which was inconsistent with the EPA waste number listed as F001 in
15 Item I.

16 5. Manifest Document No. 83347625.

17 a. The manifest document number was not a five digit number.

18 b. The proper shipping name was incomplete, abbreviations were used and
19 the reportable quantity was not included.

20 6. Manifest Document No. 5808.

21 a. Item 1. This block was left blank.

22 b. Item 11(b). The words "material from VWR Kent" were not relevant to
23 the information required in this block.

24 c. Item 11(b). The word "Freon" was hand written in this block. This was
25 not the proper shipping name.

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1 7. Manifest Document No. 5863

2 a. Item 11(a). Reportable quantity was not included as part of the
3 proper shipping name.

4 V

5 If five (5) or more days after Respondent receives this notice, the
6 one or more violations cited in Paragraph IV of this notice continue, or
7 any similar violation occurs, the Department will impose upon Respondent a
8 civil penalty pursuant to Oregon statutes and OAR, Chapter 340, Divisions
9 11 and 12. In the event that a civil penalty is imposed upon Respondent,
10 it will be assessed by a subsequent written notice, pursuant to ORS
11 468.135(1) and (2), ORS 183.415(1) and (2), and OAR 340-11-100 and
12 340-12-070. Respondent will be given an opportunity for a contested case
13 hearing to contest the allegations and penalty assessed in that notice,
14 pursuant to ORS 468.135(2) and (3), ORS Chapter 183, and OAR Chapter 340,
15 Division 11. Respondent is not entitled to a contested case hearing at
16 this time.

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18
19 Sept. 23, 1985
Date

20 Fred M. Bolton
Fred M. Bolton, Administrator
Regional Operations, DEQ

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23 Certified Mail P 610 638 692
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